

Main Office

Hall of Justice
330 W. Broadway
San Diego, CA 92101
(619) 531-4040
FAX: (619) 237-1351

El Cajon Office

East County Regional Center
250 E. Main Street
El Cajon, CA 92020
(619) 441-4588
FAX: (619) 441-4095

South Bay Office

South Bay Regional Center
500 3rd Avenue
Chula Vista, CA 92010
(619) 691-4695
FAX: (619) 691-4420

Vista Office

North County Regional Center
325 S. Melrose Drive, Suite 5000
Vista, CA 92081
(760) 806-4004
FAX: (760) 806-4162

Juvenile Office

2851 Meadow Lark Drive
San Diego, CA 92123
(858) 694-4250
FAX: (858) 694-4774

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2004 ANNUAL REPORT



**OFFICE OF THE SAN DIEGO COUNTY
DISTRICT ATTORNEY**



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DISTRICT ATTORNEY'S MESSAGE



During the past year, we filed more felonies and misdemeanor prosecutions than ever before and worked harder at making sure only those cases that should have gone to trial actually went. Last year, we instructed some of our most seasoned prosecutors to fine tune our issuing departments at each branch office. This resulted in a more critical review of the way certain charges are filed at separate branches as well as a more effective process of disposing of cases. Going to trial on cases is very expensive. The majority of cases we review can be resolved without setting foot in a courtroom.

In 2004, we successfully implemented a review process that helped reduce the number of cases that required costly trials without jeopardizing justice or public safety. We achieved that in cooperation with the probation department, the courts, law enforcement and defense attorneys.

We also continued to collaborate with local law enforcement by utilizing our specialized divisions and units to deal with many of our community's most violent criminals. By attacking these problems head-on, this office has significantly increased the stakes for would-be offenders.

Gang violence in San Diego is an on-going battle. In 2004, our Gangs Division, working in conjunction with our Narcotics Division, implemented new strategies

to get these very deadly gang leaders off the streets by going after their illicit drug dealing industry. This approach resulted in the indictment, arrest and conviction of major players in the Mexican Mafia and other notorious organizations, which control much of the drug movement in and through San Diego. Without the collaboration between our office and the San Diego Sheriff's Department, San Diego Police, the Bureau of Drug Enforcement and the Drug Enforcement Administration, we could not have been as successful. I want to thank all the dedicated law enforcement officers who work the streets to help rid our neighborhoods of these devastating criminal enterprises.

Our Computer and Technology Crime High Tech Response Team, also known as C.A.T.C.H., has become a national model used by the Federal Bureau of Investigation and U.S. Immigration & Customs Enforcement. This task force has done an outstanding job of tracking and prosecuting software piracy and identity theft in 2004. It wasn't too long ago that the most high tech computer and identity theft defendants were being sentenced to very short stays in jail or prison.

This past year saw many of these criminals going to prison for as long as ten years. Many of these defendants were repeat offenders and refused to stop breaking the law until they were put behind bars. Our office also worked extensively with San Diego County Supervisors Pam Slater-Price and Greg Cox in a collaborative effort to teach San Diegans how they can protect themselves from becoming a victim of identity theft.

In 2004, we worked effectively with the State's Department of Insurance and the Department of Labor to go after workers' compensation cases. These cases affect taxpayers much more than they know. The practice provides an unfair business advantage to those companies who do not provide insurance to their workers. Our office has been at the forefront developing a new tool called the Uninsured Employer Program that investigates and prosecutes local businesses that operate without workers' compensation insurance. We filed more than 60 uninsured employer cases in 2004, with many more expected in the coming year. The prosecution of this crime levels the playing field for all businesses in San Diego County, which is important for our county's continued prosperity.

Although we pride ourselves on our role as prosecutors, we are also catalysts for public safety. We are making a difference in the quality of life for many San Diegans. When law enforcement takes a violent offender off the streets and our office puts that criminal away for a long time, residents feel safer. San Diegans trust this DA's office to work with law enforcement and community-based organizations to ensure their protection. We will uphold that trust. This is our promise to the people of San Diego County.

A handwritten signature in black ink that reads "Bonnie M. Dumanis". The signature is written in a cursive, flowing style.

Bonnie M. Dumanis
District Attorney

MISSION STATEMENT

The employees of the San Diego County District Attorney, in partnership with the Community we serve, are dedicated to the pursuit of truth, justice and protection of the innocent, and the prevention of crime through the vigorous and professional prosecution of those who violate the law.

OUR VALUES

Ethics – We hold ourselves to the highest standard of integrity and personal and professional conduct.

Respect – We treat each other and all members of the public with dignity and respect.

Accountability – We accept a shared responsibility for ensuring sound fiscal management, operational efficiency and continuous improvement.

Support for Victims – We show compassion and understanding to the victims of crime and their families.

Diversity – We are committed to diversity, and recognize the significant and valuable contributions to our Mission from our employees and the community we serve.

Teamwork – We are committed to teamwork to achieve our mission, and acknowledge that, as employees of the District Attorney we are also members of the San Diego County Team, and we embrace its motto, "the noblest motive is the public good."

Community Partnership – We advocate and support building strong and viable partnerships with law enforcement, all members of the criminal justice systems and the community we serve to achieve the highest level of public safety for our citizens.

Communication – We are open and forthright in our communications with each other and all those with whom we come in contact.

STAFFING AND ORGANIZATION



Jesse Rodriguez
Assistant District Attorney

We are committed to the safety of the residents of San Diego County. Every day our staff of nearly one-thousand employees works diligently to make sure those cases that are supposed to be filed are filed, witnesses that are supposed to testify do testify and, those criminals that are guilty are skillfully prosecuted so that a jury will be presented with the evidence to prove their guilt beyond a reasonable doubt.

We are very proud of the fact that we have a 94 percent conviction rate – one of the highest in the State of California. Office-wide statistics for the year 2004 show this office had a total of 14,703 felony convictions. This figure includes prosecutions and convictions involving 111 murders, 60 rapes, 599 robberies and 2,756 aggravated assaults.

During 2004, our three Chief Deputies, John Massucco, Denise McGuire and Mark Pettine, helped review and supervise some of the more complex cases brought before us. In addition to assisting us with policy decisions, each of these Chief Deputies also oversaw their various divisions within the office, as shown in the organizational chart.

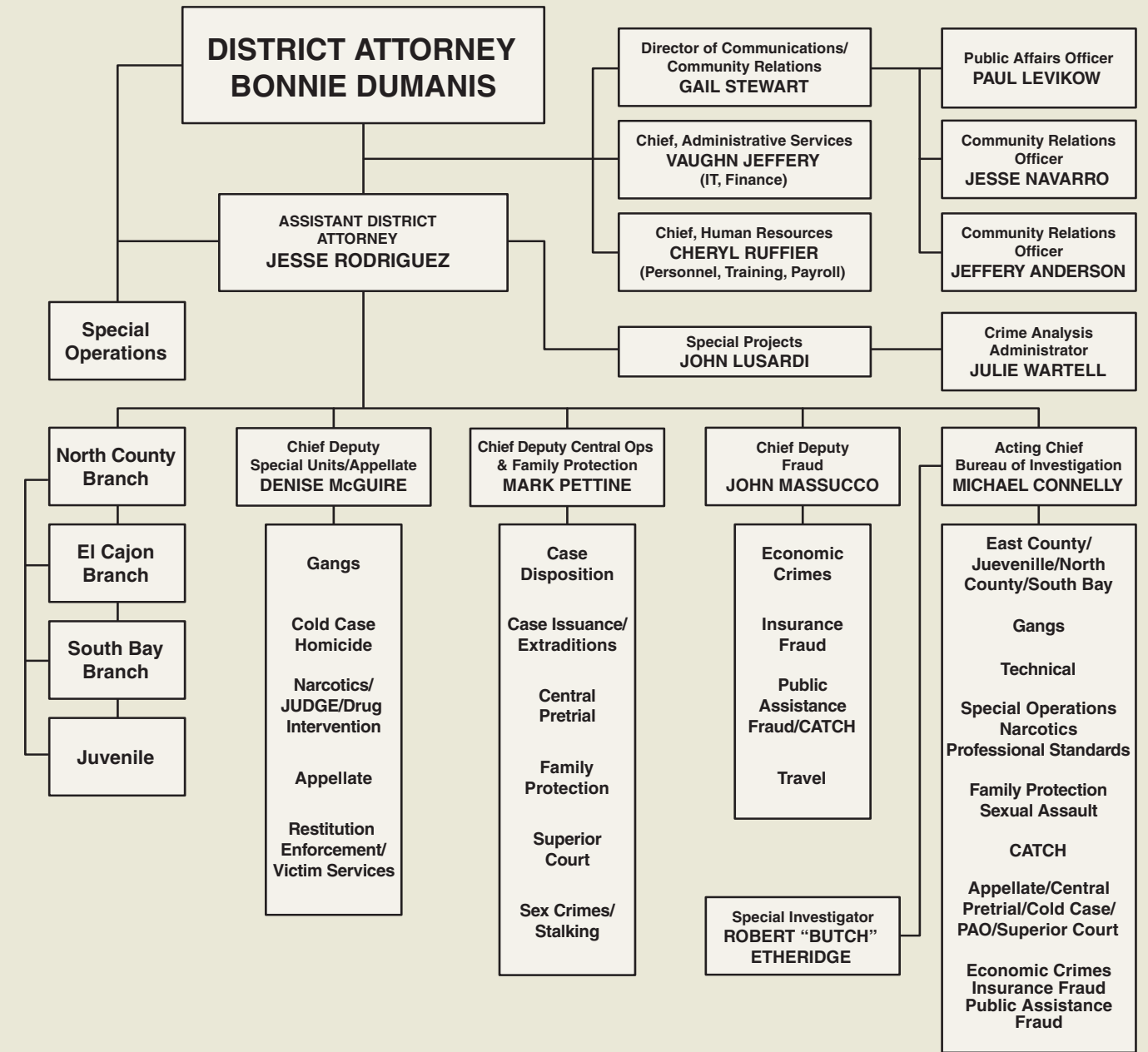
We also welcomed Michael Connelly to his new position as Chief of the DA's Bureau of Investigation in December 2004. He had been Acting Chief since February 2004, supervising all District Attorney Investigators. As the Chief of Administrative Services, Vaughn Jeffery oversaw administrative, financial and information technology. Human Resources Chief Cheryl Ruffier was responsible for all issues concerning personnel, training and payroll. Special Assistant John Lusardi coordinated all special projects. As Director of Communications and Community Relations, Gail Stewart managed all media and public relations for the office.

While 17 new entry-level Deputy District Attorneys came on board in January, the calendar year 2004 was the year of doing more with less. Despite an increase in caseloads officewide, a smaller staff was asked to do more with tighter fiscal restraints. There were a large number of retirements among attorneys, investigators and support staff in 2004. That created an even greater challenge to make sure the right people were placed in the right positions based on experience and skill. More personnel were shifted within the organization in 2004 than the previous year when the Dumanis Administration took office.

Crime trends and caseloads in the Gangs, Sex Crimes/Stalking, Family Protection, Narcotics and Cold Case Homicide Divisions required resources to be shifted to those areas. In addition, more experienced deputy district attorneys were moved to the Case Issuing Division to ensure that there was a uniform issuing policy and that proper charges were

being filed. All of these efforts helped keep the District Attorney's Office running smoothly and efficiently in 2004.

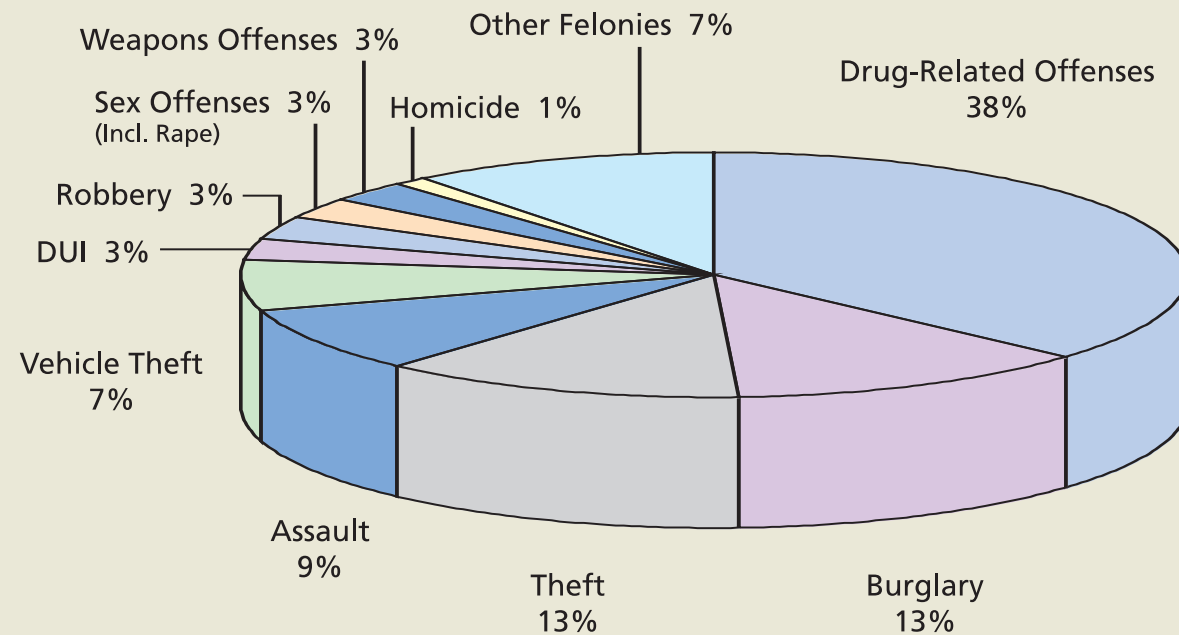
2004 STAFFING:			
Deputy District Attorneys	286	Unclassified Employees	17
Temporary Retired DDA Rehires	6	Student Workers	10
District Attorney Investigators	117	Interns	17
Temporary Retired DAI Rehires	5	Volunteers	30
Paralegals Including Supervisors	112	Temporary Expert Professionals	2
Support Staff	329		
TOTAL 2004 PERSONNEL			931



CONVICTION RATE

The San Diego County District Attorney's Office maintained a 94 percent conviction rate in 2004, one of the highest among all 58 counties in California. This figure is determined by tallying the total number of felony cases that resulted in a guilty verdict or guilty plea out of the total number of felony cases that were filed countywide. Six percent of the cases filed ended in dismissals or verdicts of not guilty.

SPECIFIC FELONY PROSECUTIONS 2004



NOTE: This chart includes all felonies prosecuted by the Office of the District Attorney for 2004.

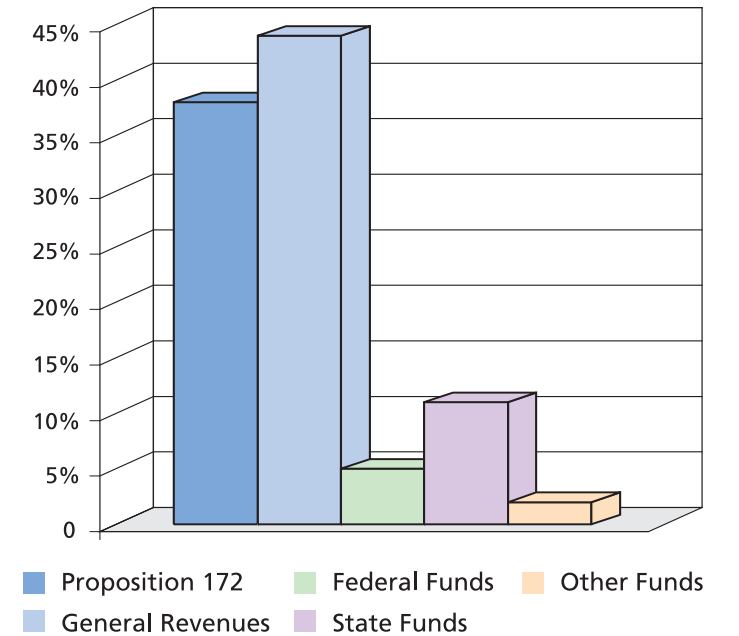
FISCAL 2004 - 2005*

THE DISTRICT ATTORNEY'S 2005 BUDGET

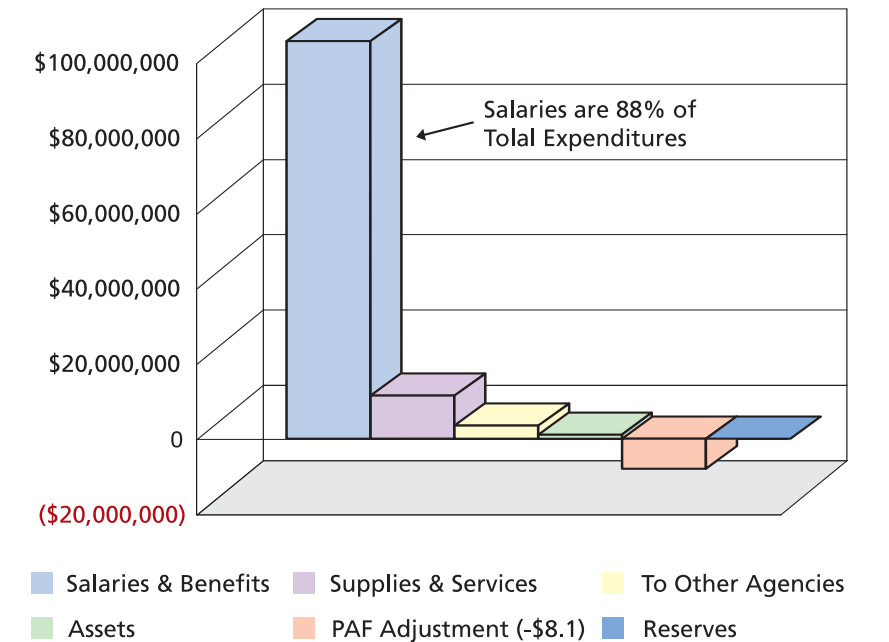
Budget for 2005:	\$107,000,000
Salaries / Benefits:	\$101,000,000
Supplies / Services:	\$10,760,000
To Other Agencies:	\$2,700,000
Assets:	\$300,000
Public Assistance Fraud Reimbursement:	(\$8,104,891)

All costs of PAF are paid for by the County's Health and Human Services Agency
Fiscal year from July 1, 2004 - June 30, 2005

FISCAL YEAR 2004 - 2005 REVENUES



FISCAL YEAR 2004 - 2005 EXPENDITURES





CENTRAL

The District Attorney’s main office is located inside the Hall of Justice in downtown San Diego. It is here one will find the executive management staff, including the Bureau of Investigation, administrative services, human resources, personnel, training, crime analysis, technical services, and communications and community relations.

This office also houses the Division Chiefs and Assistant Division Chiefs of the following divisions: Gangs, Narcotics, Special Operations, Cold Case Homicide, Case Disposition, Case Issuing/Extraditions, Central Pretrial, Family Protection, Superior Court, Sex Crimes/Stalking, Appellate, Economic Crimes and Insurance Fraud. A synopsis of each division, their caseloads and significant cases for 2004 can be found on their respective pages within this report.

NORTH COUNTY BRANCH

The North County Branch serves one third of San Diego County’s population and ten law enforcement agencies, including six Sheriff substations. Chief David Greenberg and Assistant Chief Summer Stephan oversaw the largest branch office in the county. This office processed 6,326 felony defendants and 12,617 misdemeanor defendants in 2004. Our records show that 78% of felony cases were resolved on or before the day of the preliminary hearing and that 89% of misdemeanor cases were resolved prior to their readiness conference hearing. By carefully reviewing these cases and not taking each and every one to trial, our office was able to save hundreds of thousands of tax dollars.

In 2004, North County Branch had 33 Deputy District Attorneys, eight District Attorney Investigators, two process servers, one evidence technician, 12 paralegals and 32 support staff. Last year the overall conviction rate for this branch office was 90.9%.

People v. Delpy
Attempted murder of a police officer

The defendant, a veteran, got into a collision on the way home from a day of drinking at a North County bar. He fled the scene. When police towed his prized car, he came out shooting, gravely wounding one officer. This was a retrial and involved significant psychological issues. The defendant is serving a 40-year-to-life prison sentence.

People v. Pitzer
Murder for drugs

Defendant was found guilty of second degree murder using a pocket knife. The defendant met the victim at a methadone clinic in San Marcos where they were both in rehabilitation for a heroin addiction. The two apparently got into an altercation after a drug deal went bad. Pitzer was sentenced to 15-years-to-life in prison.

People v. Cruz
Forcible rape

Defendant was found guilty of raping an 18-year-old woman in his car during their first date. He was also found guilty of false imprisonment while at a park in Carlsbad. He is serving a 17-year prison sentence.

People v. Allen & Pease
Contracting without a license

The defendants pleaded guilty to crimes related to illegally operating an interior design business in Carlsbad. The defendants, doing business as Designing Divas, entered into interior design contracts with clients then performed shoddy or incomplete work. Defendant Pease was sentenced to nine years in prison for ten felonies. Defendant Allen received probation for pleading guilty to one felony and one misdemeanor.



EAST COUNTY BRANCH

The East County Branch is responsible for the prosecution of crimes that occur in the East County Judicial District, an area that covers more than 1,700 square miles and has a population just short of half a million. Chief Carlos Armour and Assistant Chief David Berry supervised this operation. In 2004, this office processed 4,926 felony defendants and 7,598 misdemeanor defendants.

At this branch, 70% of the felony cases pleaded guilty before or at the preliminary hearing. Of the misdemeanor cases, 91% pleaded at or before the misdemeanor readiness conference. Again, the officewide policy of carefully reviewing each case helped to reduce overall costs and improve efficiency in the system.

In 2004, the El Cajon Branch had 25 attorneys, five investigators, six paralegals, and 22 support staff.

The East County handled some unique crimes, including cases in which smugglers tried to escape the U.S. Border Patrol with their human cargo. This Branch saw a large number of driving under the influence causing death or great bodily injury cases. There seemed to be an increase in speed contests, which resulted in the death of either one of the participants or an innocent person. Our office took a hard stance on these crimes, and in certain cases, we filed second-degree murder charges against the surviving racer for the death of his opponent.

People v. Jackson

Aggravated mayhem

In 2004, the branch prosecuted a serious case against Deshwanda Jackson for using a box cutter to attack and commit aggravated mayhem on a 16-year-old high school girl. The victim got into an argument during class with the defendant's cousin at the continuing education school they attended. The cousin left school and told the 20-year-old defendant who decided that she was going to teach the victim a lesson. The defendant was convicted of aggravated mayhem, which carried the mandatory life term in prison.

People v. Fuller

Sexual assault for revenge

The branch prosecuted Todd Fuller for attempting to rape his ex-girlfriend's sister, after he had gotten her drunk and she passed out at his home. The case was particularly difficult because of the inter-relationships of the parties and the victim's initial reluctance to come forward. After the jury convicted the defendant, the court placed him into custody and eventually sent him to prison, a rarity for a defendant with no criminal history.

SOUTH BAY BRANCH

The South Bay Branch of the District Attorney's Office is located in the City of Chula Vista and serves the southern area of the county. Chief Oscar Garcia and Assistant Chief Chandra Carle supervised this branch. In 2004, this office processed 4,812 felony defendants and 6,098 misdemeanor defendants. Of the felony defendants, about 68% pled before or at the preliminary hearing while an estimated 95% of the misdemeanor defendants pled before or at the readiness conference.

South Bay's team included 30 Deputy District Attorneys, eight investigators, nine paralegals, one process server, one technical services staff member, and 26 clerical support staff members. In 2004, the South Bay Branch attained a 92% conviction rate for all cases issued.

People v. Austin

Video game leads to murder

Keith Austin stabbed a 17-year-old neighbor after an argument over a video game. The case presented significant issues, including self-defense and the mental health of the defendant. Shortly before trial, the defendant pled guilty to voluntary manslaughter and was sentenced to seven years in prison.

People v. Rendon

Cleaning lady murdered

Santino Rendon spent the night of February 26, 2004 at his parents' home in National City. The following afternoon, after borrowing money from the cleaning lady, he murdered her, set the house on fire, and fled in his parent's van. He told police later that he went berserk and was taken over by the devil. Rendon was caught that night at the international border. He later pled guilty to arson and murder and was sentenced to 34-years-to-life in prison.

People v. Endita

Motel maid slashed

On April 15, 2004, a maid at an extended-stay motel was approached by a man holding a cell phone. He asked if she could interpret Spanish, then pulled out a knife. The man choked the maid and slashed her face with the knife. The victim fought back, forcing the assailant to flee. Robert Endita, a previously convicted robber and rapist, was found guilty of mayhem and attempted rape. He received 59-years-to-life in prison.





Michael Connelly
Chief of the Bureau
of Investigation

Our District Attorney recognizes the importance of quality people and diversity. In a significant move, DA Dumanis promoted Supervising DAI Debbie Conkin to the rank of Commander in December (effective 1/7/05). Debbie is the first woman to be promoted to this position.

As the new Chief, I oversee more than 117 District Attorney Investigators (DAIs), 59 Public Assistance Investigators (PAIs) and almost two dozen support staff, all stationed throughout the office's four branches and other offsite locations.

The BOI provides our office with its law enforcement component by assisting our deputy district attorneys in developing criminal cases to the point of proof beyond a reasonable doubt to ensure convictions in court.

We have eight units, each of which is managed by a Commander and at least one supervising investigator. The units include: Pre-Trial, Computer and Technology Crimes High-Tech Response Team (CATCH), Economic Crimes and Insurance Fraud, Family Protection, Gang Prosecution, Special Operations and Professional Standards, Branches, and Public Assistance Fraud. During 2004, the Lieutenant's title was replaced with the rank of Commander to more accurately reflect the duties and responsibilities that these managers perform.

Our technical investigations staff provides assistance to deputy district attorneys in nearly every aspect of the case preparation including the production of trial exhibits, fingerprint analysis, promotional materials and audio/visual production.

Our District Attorney recognizes the important contributions that Public Assistance Investigations provide to the residents of the County. Through diligent investigation, our investigators have helped to reduce welfare fraud county-wide. Realizing the monetary savings, DA Dumanis named a Commander to lead this productive and essential division. She also authorized hiring 14 DAIs to replace those that retired in 2004 and/or during the early part of 2005.

Finally, during 2004, I'm extremely proud that several of our investigators were named for their outstanding performance. DAI Jose Castillo was awarded the Governor's Medal of Valor for his heroic actions in a running gun battle. DAI Larry Davis was recognized as the SDDAA Investigator of the year for his outstanding investigative efforts in a murder-for-hire prosecution. DAI Tom Gattegno was the Bureau's nominee for the California District Attorney Investigator Association for his many outstanding investigative contributions in support of numerous murder cases in the Gang Prosecution Unit, North County Branch.

I have served in the law enforcement community for many years. I am honored and humbled to serve as the new chief of this very dedicated group of men and women.



As the newly appointed Chief of the Bureau of Investigation, one of my first challenges was to fill vacancies and implement promotions within the rank and file. Budgetary constraints over the past couple of years have had a severe impact on staffing levels, however, we have finally turned the corner and we are now in the position to make some long overdue changes.



This past year brought drastic changes in the law, which meant the Appellate Division kicked into high gear. Division Chief Kim-Thoa Hoang and Assistant Chief Tony Lovett had the responsibility of making sure this office was aware of those changes and was tasked with delivering expert guidance on the implications.

First, in March came *Crawford v. Washington* (2004). This ruling had a significant impact on all prosecutors. In *Crawford* the United States Supreme Court ruled the prosecution can no longer use “testimonial” hearsay statements of a witness absent

from trial unless the witness is currently unavailable and the defendant had a prior opportunity to cross examine that witness.

In response, our Appellate Division immediately advised all our deputy district attorneys of the opinion and its general effect. This was followed by a discussion of issues in a meeting with trial deputies, the collection and distribution of analytical material from the Attorney General, a detailed in-house analysis of the holding and its effect on California hearsay exceptions, the creation of boiler-plate legal arguments on several issues, and the ongoing update of California cases interpreting *Crawford*. All this material, with the help of our Information Technology Department’s Web Team, was posted on the internal intranet site for easy reference by our staff.

Also, shortly after *Crawford*, the Appellate Division helped protect DDA Rick Clabby’s jury verdict in the *Flinner* case against a motion for new trial based on alleged *Crawford* error and juror misconduct. This was a hard fought death penalty case involving a murder-for-hire plot in the East County.

Blakely v. Washington

No sooner had things settled down a bit from *Crawford* than along came another U.S. Supreme Court ruling – *Blakely v. Washington* (2004). Here the high Court held that any aggravating facts used to increase a sentence from the prescribed statutory maximum – other than prior convictions – must be admitted by the defendant or found true by a jury, unsettling decades of California determinate sentencing law.

This decision required our Appellate Division’s urgent attention. It formed an ad-hoc committee to respond to the immediate need for guidance to all deputy DAs, issued advisory memos, developed *Blakely* waiver and admission forms for use during negotiated guilty pleas, and developed and published a comprehensive practical guide to *Blakely* to assist trial deputies, including suggested pleadings and jury instruction language. In conjunction with the Training Division, this Division trained deputy DAs in person and by streaming video. The division has continued to monitor subsequent case law.

Proposition 66

The November election brought the specter of Proposition 66, which would have eviscerated 3 strikes, released violent offenders from prison and inundated courts with re-sentencing hearings. The Appellate Division led the office and the state, by preparing for probable passage of the proposition in two ways. On one hand, our Appellate attorneys began the tedious process of identifying all second and third strikers in San Diego County who might benefit from the proposition and developed recommendations for how to handle their requests for re-sentencing.

Simultaneously, they drafted and were prepared to file in the California Supreme Court, the District Attorney’s petition for writ of mandate and request for an immediate stay of the proposition against the Governor and other state officers. Our objective was to stop Proposition 66 from taking effect because it violated the constitutional single subject rule. The petition was signature-ready the day before the election. Fortunately, the proposition was defeated.

In 2004, this Division orally argued a record number of cases (4) in the California Supreme Court, winning two, resulting in four published opinions. The issues addressed ranged from the retroactive application of juvenile probation revocation rules changed by Proposition 21, the standard of review on a People’s appeal of a granted motion for new trial, our right to appeal a not-true finding on a strike prior and deciding at what point a defendant was “convicted” in a prior out-of-state prosecution, and a complex procedural issue in a medical marijuana case. In addition, Appellate attorneys briefed and orally argued a complex free speech issue arising in federal habeas corpus proceedings attacking a misdemeanor conviction for the first time in the federal Ninth Circuit Court of Appeals.

Appellate attorneys also co-hosted with the California District Attorneys Association a successful Appellate Practice Seminar attended by about 28 California prosecutors in November, and trained local deputy DAs on how to handle subpoenas and other requests for DA records.

CASE DISPOSITION DIVISION

The Case Disposition Division was formed in 2003 in an effort to reduce the number of cases that go to trial and make the entire San Diego justice system more efficient. The Division, with Chief Greg Walden, handled almost 7,000 felony cases, resulting in more than 3,200 guilty pleas in 2004.

Of significance, this division worked hard to reduce the number of continuances in the felony disposition courts (pre-preliminary hearing). For example, in 2003, there were a total of 604 continuances in the FDC departments. In 2004, there were only 279 continuances, resulting in a 54 percent reduction of FDC continuances. This is significant reduction in terms of cost and manpower.

It is no secret that jury trials are very expensive. Most trials last three to four days. They require jurors in the courtroom, police officers to take time off work and subpoenaing witnesses to come to court to testify. It all costs money.

CASE ISSUING & EXTRADITIONS

The primary responsibility of the Case Issuing and Extraditions Division is to review felony cases submitted by law enforcement to determine if charges should be filed. Extraditions involves working to extradite suspects back to San Diego who have fled to other jurisdictions and helping other law enforcement jurisdictions extradite their suspects from San Diego back to their areas. Chief Dave Lattuca and Assistant Chief Lori Rooney are in charge of this division.

Cost savings played a very important part of Case Issuing and Extraditions Division in 2004. The Issuing operation was streamlined dramatically. The quality of cases issued was due to efforts in supervising the line deputies and the support staff.

We have also taken steps to reduce costs associated with sentencing hearings. Our office, along with the courts, increasingly participates in immediate sentencing hearings on a regular basis. This concerted effort results in a cost savings for our office, the courts, the Sheriff's Department, the probation department, and the defense. In 2004, we participated in a total of 335 more immediate sentencing hearings in disposition departments than in 2003. We realized a savings of more than \$400,000 in probation report costs alone.

This division also helped to maintain the Superior Court Division's high conviction rate. In 2004, 122 Superior Court Division cases were tried by a jury, resulting in only six not guilty verdicts. This is due in part to our continued ability to successfully negotiate and evaluate cases.

In addition, one of our big concerns was having dangerous criminals released from custody for our failure to timely file a case.

Our greatest fear was that a case would fall through the cracks, since an average of 650 felony cases were being submitted each month. Fortunately, the division did not have to confront such a crisis in 2004. When potential changes in the law (e.g. Prop. 66) impacted the division's ability to operate smoothly, we worked with other divisions to ensure an effortless transition.

The Extraditions Division was successful in cutting transportation costs. This was a concern during tight budget times. A great deal of money was saved by purchasing non-refundable airfare rather than refundable. Defendants were brought to our courts from other states and countries on serious cases at a very low cost. One defendant surrendered himself at no cost to the people and one surrendered from Guatemala after Guatemalan authorities refused to extradite. We should only be so lucky in the future to have defendants help out law enforcement during tight fiscal times.

CENTRAL PRETRIAL DIVISION

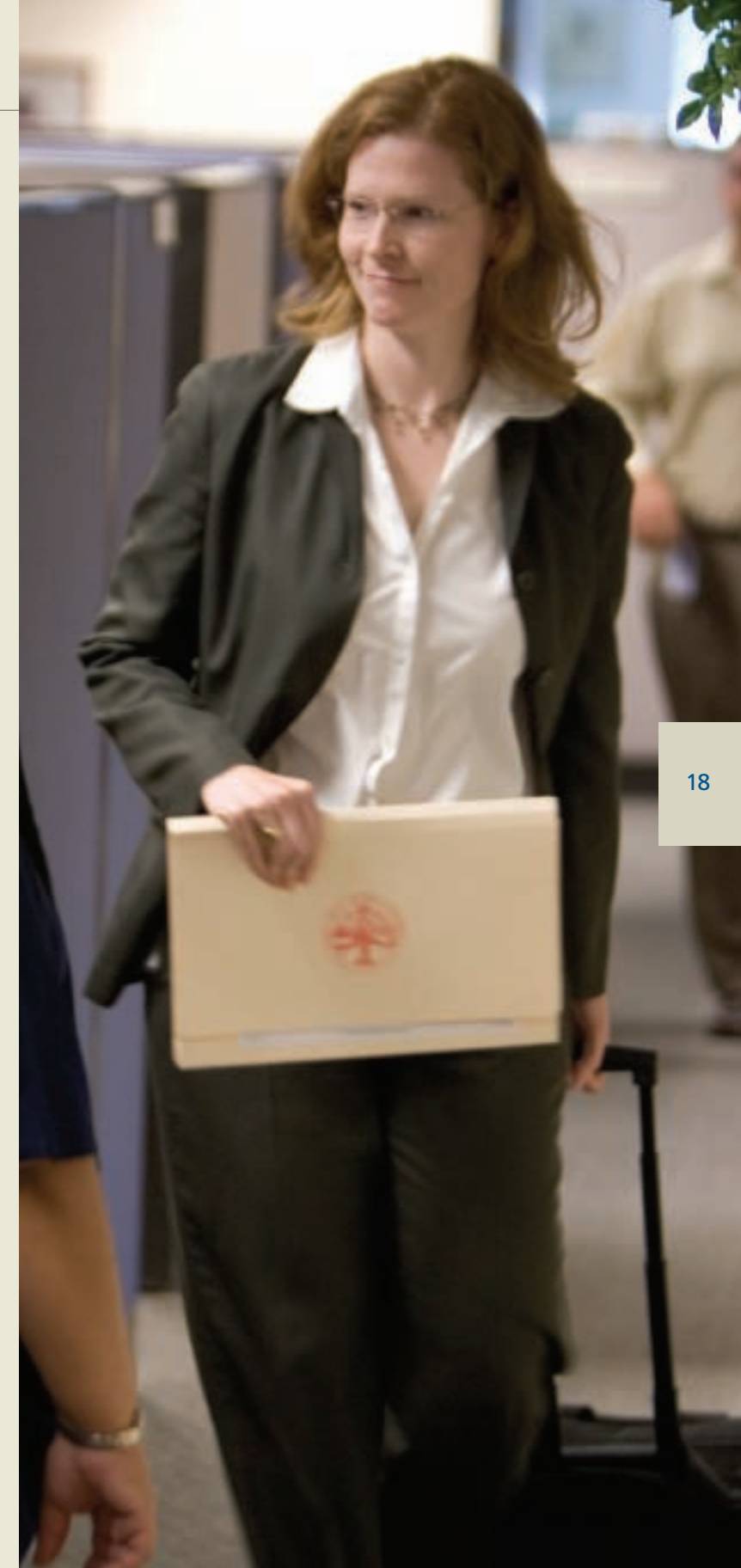
Central Pretrial Division handles all felony cases arising in the San Diego area that are not handled by special divisions or at the branch offices. This division is one of the busiest in the office. The attorneys in this division arraign the defendants charged in felony complaints and conduct preliminary examinations after the cases are issued by the Case Issuing/ Extraditions Division.

In 2004, Division Chief Sharon Majors-Lewis and Assistant Chief Kimberlee Lagotta supervised deputy district attorneys as they reviewed pleadings to determine whether charges could be proved beyond a reasonable doubt and amended complaints as necessary. Central Pretrial attorneys handled preliminary hearings, suppression motions, bail reviews, plea negotiations and appeared at change of plea proceedings, and handled miscellaneous calendars. They also conducted misdemeanor trials that resulted after felony charges were reduced.

When it was required, this division also ordered San Diego County probation cases, prison priors and three strike cases for each preliminary hearing defendant. The staff prepared approximately 200-500 subpoenas each week to make sure witnesses appeared and records were produced in order to conduct the preliminary examinations. Any cases that were bound over for trial were then passed off to be tried by attorneys in the Superior Court Division.

This division had seven full-time attorneys and one part-time attorney to handle the preliminary examinations. At the end of the year, the division was given an additional attorney. Both Chief Majors and Assistant Chief Lagotta handled calendars when necessary. Even the DA stepped in to help. On June 11, 2004, DA Dumanis handled calendars in the Felony Arraignment Department for the division because it was short staffed.

The total number of cases set on the preliminary examination calendar in 2004 was 6,174. Of that number 1,594 cases were bound over, meaning preliminary hearings were conducted in them. The balance of the cases were either resolved by guilty pleas, reduced to misdemeanors by the court, continued to a future date in 2005, held in abeyance because the defendant failed to appear or were dismissed.



COLD CASE HOMICIDE

The Cold Case Homicide Division was formed in 2003 to bring closure to the more than 2,000 unsolved murders in San Diego County. Division Chief Jeff Dusek was joined by Deputy District Attorney Garland Peed and five DA Investigators in 2004 to round out the team.

This division is responsible for working with those agencies which have turned over their unsolved murder cases to our office. It requires sifting through hundreds of old unsolved homicide cases, deciding which cases have the best potential for solving and then working those cases in hopes of bringing a suspect to justice and resolution to the victim's family.

One significant accomplishment for the Cold Case Homicide Division in 2004 was the scanning of 80% of these old cases into the computer. This tedious job literally took hundreds of hours. The division was fortunate to have been assigned a volunteer student worker who worked diligently in getting this major task to where it is today.

As the division continues getting DNA hits on known subjects, and/or is able to solve these cases through investigation, prosecution proceedings will undoubtedly

Month Issued	Defendant	Case Number	Jurisdiction
May 2004	Rivas	Warrant in system	Downtown
May 2004	Boysen	OAP081	North County
June 2004	Balentine	ABG743	Downtown
October 2004	Robinson and Southerland	BAO419	South Bay
December 2004	Albarran	ABJ923	Downtown

increase countywide. Each cold homicide that is issued is filed in the jurisdiction in which the homicide occurred. The division continues to work closely with the originating police agency in which the homicide(s) occurred. The following case was issued in 2004.

In November, 2004, George Williams, Jr. was convicted of first degree murder in the kidnapping and rape of a 14-year-old Chula Vista girl. Two special circumstances were also true. The jury then returned a death verdict. Formal sentencing was scheduled for early 2005.

forums, educational presentations and represent our office at many community functions and events.

Our Public Affairs team is also responsible for overseeing the San Diego District Attorney's Community Advisory Board, comprised of ethnically diverse leaders to give guidance to the DA on community issues. In addition, the division has worked to create the District Attorney Ministers' Advisory Board, which brings together ministers of all faiths to better serve individual neighborhoods.

This division accomplished two very different, but very significant milestones during 2004. The first was a complete overhaul of the DA's public Web site in collaboration with

our Information Technology Division. The second momentous achievement was Consumer Protection Day 2004, which was designed to help the elderly protect themselves against fraud and scams. This day long event featured consumer protection experts from many government agencies, media panels, entertainment, and food. Best of all, the admission was free. It drew more than 1250 seniors from throughout San Diego County.

The mission of this division is to provide the public and media the best accessibility while abiding by our ethical and legal obligations.

COMMUNICATIONS AND COMMUNITY RELATIONS

The Communications/Community Relations Division is responsible for handling all media inquires. This involves daily communication with print, radio, television, and web-cast journalists in San Diego, across the nation and even sometimes internationally.

Director Gail Stewart heads the division with assistance from Public Affairs Officer Paul Levikow. On any given day, our office is engaged in several high profile arraignments, preliminary hearings, trials, verdicts or sentences. Not only is the media trying to get information on these cases, but many times, we are trying to get information to the media regarding certain developments in these cases. Last year, this division issued 56 news releases and media advisories.

In 2004, this division developed an innovative project that provides up-to-date information about specific "high

profile" cases through a specially designed computer program accessible on the public website 24 hours a day. This division also organized several informal "on the record" lunch meetings between the media and the DA while showcasing one of the specialized divisions in the office.

In other areas, our division has worked hard to provide unprecedented bilingual access to the Spanish media. This has been extremely helpful since the number of Hispanic media outlets continues to grow in San Diego County.

In addition, another important aspect of this division is community accessibility. In 2004, through the direct effort of Public Affairs Officers Jesse Navarro and J.J. Anderson, our office was able to provide exceptional community outreach to the residents of San Diego County. These two experienced community outreach experts were able to present many civic





FAMILY PROTECTION DIVISION

The Family Protection Division of the San Diego County District Attorney's Office handled some of most disturbing cases seen by our office. These are crimes of murder, domestic violence, crimes against children, and the elderly. Chief Genaro Ramirez and Assistant Chief Pat McGrath worked closely with all their deputy district attorneys on these difficult and emotional cases.

The division included 30 deputy district attorneys, 12 investigators, 15 paralegals, and 20 other staff members who were stationed downtown as well as in each Branch office in the County. During 2004, the division processed 698 felony defendants of domestic violence, 1,243 domestic violence misdemeanors, 179 child abuse felonies, 155 elder abuse cases, 71 statutory rapes, and other numerous significant criminal cases.

The Family Protection Division strongly supported victims of crime, and worked closely with criminal justice agencies and community partners. A small sampling of the division's work during the past year includes:

CHILD ABUSE

People v. Aguayo

Serial child molester

Seventy-six-year-old Jose Aguayo was a serial child molester who sexually abused most of his children and numerous grandchildren over a span of 30 years. One of his granddaughters finally disclosed Aguayo's crime to her therapist. Most of the crimes were barred by the statute of limitations. Three of the molestations fell within the sexual assault statute of limitations extension law, Penal Code section 803. The defendant pled guilty, stipulating to a 15-years-to-life sentence.

Research resulted in an outline and flowchart of the statute of limitations for child molest cases, which have been published by the California District Attorneys Association and is used to train law enforcement and prosecutors.

DOMESTIC VIOLENCE

People v. Derouen

Murder in a motel

Junius Derouen stabbed his estranged wife, Amy, to death in a La Mesa Hotel room in front of their four-year-old son.

Amy was found in the motel room bathtub with 20+ stab wounds. The son (almost 6 years old at trial) testified that his father had the knife in his hand prior to turning the door knob to enter the bathroom in the motel room. The jury took two and a half hours to find Junius Derouen guilty of first degree murder and all the remaining charges. He was sentenced to 66 years in prison.

INTERNET CRIMES AGAINST CHILDREN (ICAC)

People v. Cone

Sting leads to arrest

Alfredo Cone, a prior sex offender with a lengthy record dating back to the 1980's, was picked up in a "sting" operation involving our local ICAC (Internet Crimes Against Children) Task Force working with Ohio authorities. Cone's most recent criminal offense involved him contacting "Karin," an Ohio female who he believed was 14-years-old. Unfortunately for Cone, "Karin" was an undercover police officer in Ohio and all the illegal material and criminal solicitation was forwarded to our local ICAC task force. Cone was convicted of crimes involving child pornography. He was sentenced to three years formal probation. However, within a short time, Cone violated probation and was sentenced to two years in state prison.

CHILD ABDUCTION

People V. Margolis

Kidnapped kids

In November of 1997, three children were abducted by their father, Glenn Margolis, from their Ocean Beach School and whisked away to an unknown location. Margolis was a local attorney. Their mother, Abbe Cavender, sought help from the San Diego District Attorney's Child Abduction Unit. The District Attorney's Child Abduction Unit, working with the San Diego Sheriff's Department, learned that Margolis had obtained passports and chartered a helicopter for \$35,000 to fly to Costa Rica. The children became aware their mother and authorities were looking for them and visited the abduction website. In 2004, they walked into the American Embassy in Costa Rica, said they wished to return to San Diego and shortly thereafter joined their mother in a tearful reunion.

ECONOMIC CRIMES DIVISION

Under the aggressive leadership of Division Chief Stephen Robinson and Assistant Chief Robert Madruga, Economic Crimes has seen an increase in their caseloads and significant success in obtaining enhanced punishments for white-collar criminals. Cases against public officials, large corporations and high tech criminal rings are large, complex matters, which require a team effort of lawyers, paralegals, investigators and clerical support. This division has been in the forefront of the state, if not the nation, when it comes to investigating and prosecuting complex white-collar schemes. The Computer and Technology Crimes High Tech Response team (CATCH), one of six teams within the Division, received a National Association of Counties Achievement Award in 2004 for its innovative investigation and prosecution of identity theft.

The remaining five teams within the division in 2004 included Consumer Protection, Complex Theft, Environmental Protection, Public Assistance Fraud and Real Estate Fraud.

Duke Energy

Unfair competition

The civil litigation pertaining to Duke Energy's acts of unfair competition in energy pricing yielded a settlement during 2004. The settlement resulted in a payment of \$3.2 million to the District Attorney's Office for its own costs, attorneys' fees and monies for the ratepayers of San Diego County. The Economic Crimes Division looks forward to using some of these funds toward a project that will help

keep rates down in the future.

People v. Ramirez et al.

Identity theft

The indictment of 21 defendants involved in an identity theft ring was successfully completed in October 2004. The Economic Crimes Division coordinated this team effort, which resulted in 19 defendants being sentenced to state prison, while two remain at-large outside the United States.

People v. Brouillette

Conned seniors

Ronald Brouillette sold bogus securities to numerous victims, and ultimately pled guilty during his trial in August 2004. Brouillette was a La Jolla stockbroker who conned senior citizens into investing in stocks, but kept the majority of the money for himself. The defendant received a 10 year prison sentence in October.

Petco

Scanning violations

In May 2004, the Economic Crimes Division's consumer team settled the civil case against Petco pet store chain, wherein we alleged animal cruelty charges as well as scanning violations. The total value of the settlement exceeded \$800,000, which included injunctive relief drafted to prevent similar behavior in the future.

GANGS DIVISION

There is probably no other crime that has affected the quality of life in San Diego like gang violence. That is one reason why DA Dumanis relentlessly goes after these very dangerous criminals with all the resources available.

The Gangs Division investigated and prosecuted gang-related cases, primarily crimes of violence such as murder, drive-by shootings, and serious assaults. Under the guidance of Chief Richard Monroy and Assistant Chief Brock Arstill, nearly two dozen specially trained prosecutors are assigned these complex cases at the very earliest stages and remain with these cases until sentencing. Having a deputy district attorney “walk” each case through the system is called vertical prosecution. In addition, unlike many other attorneys in the office, these prosecutors sometimes responded, as necessary, with police to crime scenes.

The division is an integrated unit of investigators and prosecutors. With 20 assigned deputy DAs and 16 DAIs, the Gangs Division had deputies and investigators assigned to all parts of the county to better serve the investigative agencies throughout the county. Gang violence continued on the up trend. In 2004, this division issued 278 cases. It issued over 30 Gang related murders and attempted murders just in the last year. The unit also assisted in investigating another 20 murders and attempted murders.

People v. Mendiola

Newspaper carrier shot to death

On July 31, 2003, early in the morning, 46-year-old Antonio Pagayon was delivering papers when he was shot and killed in the parking lot of the Meadowbrook Apartments. Acting on a tip police detained and interviewed defendants Marcos Mendiola, his girlfriend, Jaime Albarran and Arturo Aguilar. On November 15, 2004, Marcos Mendiola was convicted of first degree murder with special circumstances. The additional allegation that he used a gun and committed

the crime to benefit his gang were also found to be true. He was sentenced to life in prison without the possibility of parole plus 35 years. Jamie Albarran pled guilty to one count of PC 32 and received two years state prison. Defendant Aguilar was set for trial in 2005.

People v. Robinson

Gang murder

On Thursday January 15th, 2004, at approximately 7 a.m., Roy Spencer with at least four of his friends, walked down the driveway of their apartment complex on their way to school. This apartment complex and the surrounding area is occupied by a gang. Defendant Jason Robinson walked through the gate and approached the boys with a sawed-off shotgun in hand, chased Spencer and shot him to death. On October 12, 2004 the defendant was found guilty of first degree murder with the additional allegations that the defendant used a gun and did the crime for the benefit of his gang. For the crime, Robinson was sentenced to 61-years-to-life in prison.

Gang Injunctions

Weapon of choice

The Gang Injunction unit has been the lead agency in a proactive attempt to confront gangs on their own turf. This special unit handles injunctions and abatements designed to disrupt the gang lifestyle. This unit files civil lawsuits aimed at gangs and their members to stop gang activity in a specific geographic area. The unit also monitors gangsters placed under injunctions in an effort to minimize future gang activity. In 2004 the Injunction team took on the largest San Diego based gang. This Injunction successfully targeted 86 gang members. Injunctions have proved to be a valuable weapon in addressing the gang problem in San Diego.



INFORMATION TECHNOLOGY DIVISION

This division works in a behind-the-scenes role. ITD Acting Director Jim McClure and his 23 employees are charged with procuring, installing, developing and supporting information technology hardware, software and business applications for the office. This division is also responsible for the coordination of cell phones and pager services.

In order to obtain timely updates of web content for the DA's office, ITD moved the DA's Internet web presence off of the previous servers and onto our own servers. This meant a reduced cost to taxpayers and more flexibility for our office. The next step was to redesign the public website adding more information in addition to making it much more user friendly. This was accomplished in 2004 as well.

The security of our network is of utmost importance, and in the pursuit of that goal, we upgraded our Intrusion

Detection System. This upgrade increased our capability to stop hackers, viruses, and spam from entering our network, while allowing the day to day business to proceed as usual.

Since the DA's office is a major player in local law enforcement, we have established computer interfaces to various other law enforcement agencies for our mutual benefit. The San Diego Police Department, the San Diego County Sheriffs Department, Probation Department and Public Defender's office all have been given access to various types of data that we provide.

Keeping track of evidence is a big job and getting bigger as we process more cases. To assist in that effort, ITD evaluated and implemented an Evidence Tracker software package. This package uses bar codes on the evidence and bar code readers in the storage locations to allow quick and easy tracking of where evidence is at any given time.

INSURANCE FRAUD DIVISION

Insurance fraud costs consumers an estimated \$80 billion per year or more nationwide or about \$950 per family. It's the second largest economic crime in America, exceeded only by tax evasion.

The San Diego County District Attorney's Insurance Fraud Division, led by Division Chief Dominic Dugo and Assistant Chief Michael Running, had 13 attorneys, 13 investigators,

16 paralegals and support staff and a legal nurse. This division consisted of four grant funded units: Workers' Compensation Fraud Unit, Auto Insurance Fraud Unit, Urban/Organized Auto Insurance Fraud Unit, and Regional Auto Theft Task Force. The Auto Insurance and Worker's Compensation Fraud Units were funded by an annual grant award distributed by the California Department of Insurance. The Urban Grant

JUVENILE DIVISION

The Juvenile Division of the District Attorneys Office, under the leadership of Deputy DA Robert Eichler and Assistant Chief Michele Linley, prosecutes all juvenile felonies and misdemeanors in San Diego County, including City of San Diego cases. From traffic matters to homicides, rapes and vehicular manslaughters, Juvenile deputy DAs review, issue, and prosecute all of these cases. The Juvenile Division's staff in 2004 included 20 deputy DAs, two DA investigators, five paralegals, one victim assistance paralegal, 19 clerical support staff and one process server.

Juvenile cases reviewed in 2004 included 7,780 cases submitted; more than 3,600 felony petitions filed; more than 1,750 misdemeanor petitions filed; and approximately 275 truancy petitions filed.

Automation/Case Management:

The Juvenile Division is actively automating and streamlining the complex processes of issuing cases, handling court calendars and tracking statistics. In 2003, CMS-J, the sophisticated, inter-agency Case Management System for Juvenile, was brought on-line, linking databases of the District Attorney, Courts and Probation Departments. This division continues to fine tune the system and is constantly finding ways to utilize the data which can now be generated to assist in all areas of its operations. Recently, modules to improve report production, tracking legal motions, warrants and certain specialized crime data have been introduced.

Vertical Prosecutions in 2004:

Recognizing the importance of having one deputy district attorney dedicate him or her self to these highly sensitive and complex cases from the beginning to end, the Juvenile Division has begun to designate deputies to "vertically" prosecute cases involving: sexual assault, graffiti, prostitution, street racing, arson, teen relationship violence, truancy and drug court matters. This means that one deputy DA will be assigned to handle the case from the time it is issued until the juvenile is sentenced. Further, in the development of successful prevention and intervention programs, it is critical

to work in cooperation with the Probation Department, the Courts, the defense bar, and other agencies involved with juveniles. At the Juvenile Division, they have initiated and participated in a significant number of specialized prosecution programs over the past year.

Grffiti:

This division is now in its second year of issuing and prosecuting graffiti cases by a vertical deputy. The Juvenile Division works closely with law enforcement officers throughout the county who specialize in graffiti crimes. The combined efforts have resulted in a greater number of graffiti cases being prosecuted and more restitution returned to members of the community who are victims of juvenile taggers and vandals.

Teen Prostitution:

Prostitution crimes committed by teenage girls are increasing and there is a significant need for special intervention in this very complex area. All these cases are vertically prosecuted. Male juveniles who are involved in pimping and pandering are also prosecuted vertically. The DA's office has worked closely with the Probation Department, the Courts and community organizations to develop a treatment program and to closely monitor these cases.

Program was funded by an award distributed by the California Department of Insurance. The Regional Auto Theft Task Force was funded by a statutory scheme that required the Board of Supervisors to authorize the collection and distribution of \$1 per registered vehicle.

In 2004, the Insurance Fraud Division had an outstanding year: 251 defendants were convicted of insurance fraud and/or related charges and restitution of \$5,039,172 was ordered with restitution of \$2,752,761 collected for victims of crime.

FIRE FRAUD TASK FORCE

The Statewide Disaster Fraud Management Task Force, formed after the devastating October 2003 wildfires in San Diego County, was created for two primary functions:

1. PUBLIC OUTREACH directed towards educating fire victims about fraud schemes and warning would-be perpetrators not to re-victimize the fire victims; and,
2. Establish proactive ROVING ENFORCEMENT PATROLS to investigate and prosecute unlicensed contractors and unlicensed public adjusters.

In 2004, 14 Roving Patrol teams were deployed to investigate fraud related to the fires that occurred in San Diego County. As a result of these patrols, undercover operations, and anonymous tips, 22 defendants were prosecuted. Seventeen defendants were convicted of criminal violations related to contracting without a license and four defendants settled a civil unfair business action case for allegedly acting as public adjusters when not licensed and charging homeowners a larger fee than had been disclosed.

Other criminal investigations are on-going and additional criminal charges are expected in 2005.

MEDICAL PROVIDER FRAUD

The Workers' Compensation Insurance Fraud Unit achieved significant results in cases involving fraud committed by medical providers in San Diego County. In 2004, eight defendants were prosecuted. Six defendants, including chiropractors, a medical

doctor, and a marketer, settled civil unfair business actions for the manner in which they operated their practices in connection with the treatment of workers' compensation patients.

Two medical doctors were criminally prosecuted. Dr. James Stakely was convicted of insurance fraud following a long term undercover operation where he failed to provide medical treatment to two undercover agents posing as workers' compensation patients. Stakely received a four-year stayed prison sentence and surrendered his license to practice medicine. Chiropractor Denise Shanley was convicted of insurance fraud for submitting bills to a workers' compensation insurance carrier for services that she did not provide. Shanley was placed on probation and surrendered her license to practice chiropractic.

UNINSURED EMPLOYER PROGRAM

Insurance Fraud Division staff worked with the California Labor Commissioner's Office investigating and prosecuting businesses and employers who do not have workers' compensation insurance for their employees. Workers' compensation insurance provided injured workers with the security of knowing that they would receive medical treatment and compensation for any time that they miss from work as a result of their injuries. Workers' compensation insurance also benefits individual employers by transferring the risk of loss to the insurance carrier. In 2004, 46 defendants were prosecuted for operating businesses without workers' compensation insurance including three defendants who allegedly operated more than 60 Pizza Hut Restaurants with more than 1,000 employees in San Diego County. The Pizza Hut case is pending.

INSURANCE FRAUD DIVISION RECOGNITION

The Insurance Fraud Division's Urban Grant Program was honored with a 2004 National Association of Counties Award in recognition of its innovative program and hard work to promote justice and county government.



NARCOTICS DIVISION

Teen Relationship Violence:

These cases are essentially teenage and juvenile counterparts to adult domestic violence cases. All of these crimes are handled vertically and monitored carefully to assure both the rehabilitation of the minor offender and the protection of the victim(s) who are usually still involved in a relationship with that minor.

Family Violence:

When juveniles commit violent acts against other members of their family those cases are handled by the District Attorney's Office, Probation and the Courts. The Juvenile Division is cooperatively involved in developing programs and grant proposals to assist these minors and their families. Protocols for handling these cases are being established. Assistant Chief Linley reviews all Family Violence cases.

Vehicular Manslaughter and Street Racing:

When automobile crashes result in a death, these vehicular manslaughter cases are carefully monitored and vertically prosecuted. It is not unusual for deputy DAs with special expertise in vehicular death cases to assist the juvenile DAs in the preparation and evaluation of these complex cases. Street racing cases, even when no injuries are involved, are also

vertically prosecuted by a deputy trained to understand the issues involved in successfully prosecuting speed contest cases.

Dual Dependency/Delinquency:

When children who are dependent wards of the County commit criminal acts, they may be treated in the delinquency system or maintained in the dependency system. The very complex process of evaluating and determining how the child would be best served is carried out in special court proceedings where the DA, defense attorney, Court, Probation Department, mental health experts and Department of Social Services all work together for the common goal of assisting that child. These difficult cases are overseen by specially trained deputy DAs.

Proposition 63 Working Group:

The passage of Proposition 63 in fall 2004, made available special funds to the Probation Department and the Courts to assist in the treatment and rehabilitation of minors and their families with mental health and psychological issues. This legislation also provided integrated service plans for mentally ill children. The Juvenile Division is actively participating with the interagency working group to develop these plans.

The Narcotics Division worked with nearly every single local, state and federal law enforcement agency in the county to catch and prosecute drug users, dealers and suppliers. Led by Chief Damon Mosler and Assistant Chief Steve Walter, this relatively new division was very productive in 2004 as it provided a much-needed service of proactive prosecution to law enforcement and the community.

The division handled more than 1,800 drugs cases and 15 wire taps in the past year. The Narcotics Division was staffed with 17 attorneys handling a variety of cases countywide in 2004.

Responsibilities included running the treatment side of the drug cases in Drug Court and Proposition 36 Court, Federal and State Asset Forfeiture matters, and assisting law enforcement with large targeted projects in specific high crime areas, which proved to be a very effective tool in cleaning up drug/gang prone areas of the county.

In addition, the Narcotics Division helped County Child Protective Services and law enforcement implement a county-wide protocol for Drug Endangered Children. Now when law enforcement encounters a child who is at risk in a drug house, they have a streamlined process for removing that child from the risk of harm from drugs.

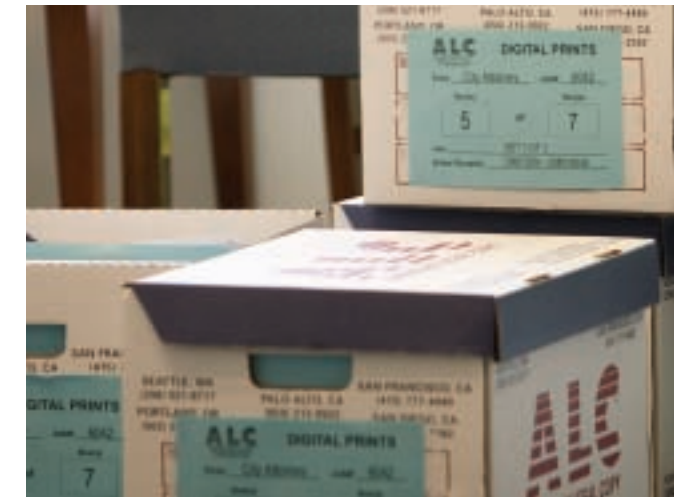
Significant cases in 2004 included:

Operation Veracruz

The Narcotics Division's Operation Veracruz, used a variety of law enforcement tools to break up a major powder cocaine distribution ring. Fifteen dealers and 75 customers from all walks of life were prosecuted. This operation focused on the supply side of enforcement as well as the demand side – a very effective approach to the drug problem in the affluent areas of San Diego.

People vs. Waldron

This case involved a very violent and dangerous biker gang member. It was decided that it would be handled by a specially trained prosecutor in the Narcotics Division whose



areas of expertise were bikers and drugs. The biker gang member was eventually convicted for the murder of a man outside a bar because the victim expressed his support of a rival biker gang. The defendant, who had a strike prior, was also convicted of weapons possession. He will spend the rest of his life in prison.

People vs. Adam B. et al

In this case, the division prosecuted 18 juvenile gang members for a series of assaults on and around Mira Mesa High School. Since the arrests and prosecutions, school officials reported a dramatic drop in on-campus problems.

People vs. Trinidad, et al

The Narcotics team joined forces with the Drug Enforcement Administration to target Escondido gang members who were selling methamphetamine. More than 25 people were prosecuted in this undercover operation.

Project Canyon Rim South

This involved the division working with San Diego Police on a targeted area infested with drugs and weapons. The team collaboration resulted in the arrests and prosecution of 40 people for drug and gun trafficking out of a Rancho Penasquitos apartment complex.





Many people don't realize that the District Attorney's Office isn't just about prosecuting, it's also about helping thousands and thousands of people through our Restitution Enforcement and Victim Services Division.

In 2004, Chief Michael Pent led the Restitution Enforcement and Victim Services Division. Restitution enforcement attorneys and paralegals handled 1,938 cases. The Restitution Claims Unit processed 1,334 claims for victims and 3,687 bills and paid more than \$1.3 million to victims from the State Restitution Fund. The Restitution Recovery Unit assisted 232 victims and obtained 372 restitution orders payable to the state totaling more than \$473,000 and more than \$2.6 million was recovered for the state to reimburse the State Restitution Fund.

This is the unit that reaches out to victims of crimes and tries to make them whole. Its dedication and devotion to helping victims overcome the death of a loved one, rage or emotional scarring are incomparable. Under the leadership of Director Cynthia Charlebois, our Victim Assistance Program advocates assisted 9,289 victims with 1,419 emergencies and 8,898 counseling sessions.

Maria Keever & Milena Sellers

One of our victim advocates, Kitty Wall, assisted the

mothers of the two young boys murdered by defendant Scott Erskine in 1993. Kitty helped the victims' mothers from the date of the crimes through the ultimate identification and arrest of the defendant in 2000; and then through two trials. We even had an advocate present with the mothers at every court hearing ending in 2004.

Citizens Of Courage Awards

This is an annual event facilitated by Victim Assistance Program personnel to honor those ordinary citizens who went above and beyond their civic duty to bring a criminal to justice. In 2004, the District Attorney honored five citizens for their courage.

Christmas Cheer

During the December holiday period the division conducted a fundraising drive that provided gifts to 40 families consisting of 138 children and a senior citizen.

Getting The Money

Senior probation officer Gordon Terry, who was assigned to this division, worked on 1,674 criminal cases that involved more than \$52 million in restitution. It also led to the immediate disbursement of more than \$441,000 to victims.

Elderly Man Gets Restitution

Restitution enforcement staff members assisted a prosecutor handling an elder abuse case involving a caretaker who stole \$70,000 from the victim. Their successful assistance in getting a restitution order and other documents aided a victim almost immediately.

Time to Pay Back

Division staff members assisted a family over several years following a terrible drunk driving crime that led to the death of their 18-year-old daughter. The defendant had served a term in prison and his parole had expired, but he had not paid restitution to the victim's family. We were successful in tracking him down and getting the restitution paid in full.

These crimes are so violent, and the victims so scarred, the District Attorney decided that specially trained prosecutors should handle these particularly complex and very volatile cases. In 2003, DA Dumanis created The Sex Crimes and Stalking Division appointing Chief Andrea Freshwater and Assistant Chief Phyllis Shess.

Over the past two years, this division proved these special prosecutors, who handled each case from beginning to end, could achieve amazing results. In 2004, The Sex Crimes and Stalking Division handled more than 450 cases and had a 94% trial conviction rate.

Here are just a few examples of the work that the Division performed:

People vs. Lowe

Kidnap and rape

Defendant Clarke Lowe kidnaped the victim in Pacific Beach, drove her to a school field, choked, threatened to kill her and brutally raped her. He was convicted in a jury trial of kidnap and rape and sentenced to 33-years-to-life.

People vs. Villegas

Serial rapist

Defendant Mark Villegas was prosecuted for the serial rape of five women. The defendant was linked through the advances of DNA. The defendant was found guilty by a jury and was sentenced to 120-years-to-life.

People vs. Silva

Serial rapist

Defendant Leslie Silva broke into two victims' homes, and sexually assaulted them. He raped and sodomized the first victim and tied, gagged, raped and sodomized the second victim. DNA along with other evidence linked the defendant to the crimes. Silva was convicted in a jury trial of all counts and allegations. He was sentenced to life in prison.

People vs. Freeman

Stalker

Marilyn Freeman, a local family law attorney, was convicted of stalking, burglary, solicitation to kidnap, and misdemeanor child abuse. The defendant's 14-year-old daughter was removed from her home by Social Services because of the defendant's physical abuse and placed in foster care. Thereafter, the defendant stalked the foster family and her daughter at their home, school and work. The defendant burglarized the foster family home. The defendant also solicited a client to help her kidnap her daughter from the foster family. Freeman was sentenced to six years in prison.

People vs. Barno

Stalker

Rodney Barno was convicted of 10 felonies and eight misdemeanors including stalking, criminal threats and vandalism against 12 different victims. The defendant was well known in the city of Poway and northeastern San Diego as "the basher" due to his pattern of bashing out the windows of vehicles and various businesses. After a girl he was dating broke up with him, he stalked, harassed and threatened her and her family and friends. The defendant had two strike priors and was sentenced to 50-years-to-life in prison.



SPECIAL OPERATIONS DIVISION

This particular division independently handles highly confidential investigations of political corruption, tribal liaison issues, police officer involved shootings, and other sensitive probes, and, if needed, the expert prosecution of these cases.

Special Operations DDAs and DAIs, under the leadership of Division Chief Julie Korsmeyer and Assistant Chief Dave Williams, established a successful working relationship with the FBI and U.S. Attorney's Office which enabled their office to work cooperatively on political corruption cases. But this division also worked closely with many other local and state law enforcement agencies. In 2004, DAIs from this division responded to the scene and reviewed 16 officer-involved shootings involving different law enforcement departments.

This division also helped established the Crimes Against Peace Officers Protocol (CAPO) and now has a DDA and DAI on-call to respond to the scene of any serious bodily injury to a police officer in the line of duty.

As one might imagine, potential employees of the District Attorney's Office must go through a thorough screening prior to employment. The Professional Standards Unit, which falls under Special Operations, completed more than 170 background checks in 2004 for incoming employees of the District Attorney's Office.

Another very critical component of this division is Threat or Violence Risk Assessment. The very nature of prosecuting

violent criminals sometimes leads to intimidation. This division reviewed and managed more than 30 threats to District Attorney Employees during 2004.

San Diego County is home to more tribal nations than any other county in the state. Prosecuting cases involving crimes which take place on a sovereign nation are complex. In 2004, the Indian Gaming Local Community Benefit Committee, through the work of Tribal Liaison, J.J. Buttitta, awarded the DA's office a grant of \$100,000 to help pay for his salary.

This division worked extremely close with our counterparts in Mexico. The International Liaisons planned and put on the first Weapons and Defensive Tactics Training at the San Diego Regional Firearms Training Facility for 24 women agents of the Baja State Police. These agents had never been trained before. There is a second training scheduled for 2005.

In an extremely significant action, this division was compelled to make sure that any local police officer that may have impeachment information be made available to our deputy district attorneys prior to all trials. This is critical for all discovery issues. The goal to have the "Brady Index" up and running was realized in 2004. There is now a list in our Case Management System that all DDAs can easily access. Our Brady protocol is now being studied and copied by many other DA offices around the state.

SUPERIOR COURT DIVISION

The Superior Court Division of the District Attorney's Office handled some of the most challenging and tragic cases including kidnappings, assaults, robberies, and murders. The Superior Court team was led by Division Chief Dan Lamborn and Assistant Chief Jill Schall.

It was comprised of 26 Deputy District Attorneys, 11 Paralegals, and 30 other Support Staff. They were assisted by an excellent team of District Attorney Investigators.

In 2004, this division tried 125 defendants with a conviction

rate of 95%. The Superior Court Division worked tirelessly to hold accountable the predators that victimized the citizens of San Diego County while exercising the highest in ethical standards.

People v. Macklem

Seventeen-year-old Sarah was friends with the defendant Grant Macklem. Sarah had befriended the defendant out of a desire to help him. The defendant, however, wanted more

from Sarah than she was willing to give him. Her body was found assaulted and strangled. A compelling case was presented to the jury using forensic evidence combined with traditional evidence. Although the defense tried to mount a psychological attack, the evidence along with an effective rebuttal case proved too much to overcome. The jury convicted the defendant of first degree murder. He is currently serving 29-years-to-life.

People v. Thomas and Bates.

The prosecution of cases involving the homeless can be the most challenging for a prosecutorial team. In two separate murder trials, the Superior Court Division convinced juries to care for the homeless and forgotten. Through DNA evidence and the compelling testimony of other homeless people, the prosecution team brought back convictions for murder on these cases.

TECHNICAL DIVISION

If you've ever watched a trial on television and the prosecutor pointed to a white board or an enlarged picture you were looking at the work done by someone in the Technical Division. This highly skilled and creative group was under the command and control of the DA's Bureau of Investigation and supervised by Alicia Pfingst. It provided technical support, photography, audio/video duplication, graphics, court displays, and fingerprint analysis, among other services to prosecutors. The main shop is located in the Hall of Justice, but technical services are also provided in the Branch Offices by both investigative and forensic technicians.

During 2004 Investigative Technicians provided:

Audio tapes	7,100
Video tapes	3,200
Compact Discs	5,500

Total Investigative Service Requests:

Almost 300 each month, surpassing the annual average of 3,000. An ISR includes all requests for services from the Technical Division such as photography, trial display boards, maps, diagrams and other visual and technical aids.

Forensic Technicians (Branches):

Audio tapes	2,850
Video tapes	1,712
Compact Discs	1,988

Fingerprint comparisons: 3,029

Total Investigative Service Requests: 3,316



“Although we pride ourselves on our role as prosecutors, we are also catalysts for public safety. We are making a difference in the quality of life for many San Diegans. When law enforcement takes a violent offender off the streets and our office puts that criminal away for a long time, residents feel safer. San Diegans trust this DA’s Office to work with law enforcement and community-based organizations to ensure their protection. We will uphold that trust. This is our promise to the people of San Diego County.”

~ Bonnie M. Dumanis, District Attorney

